

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

GAIL SHEPHARD, as personal  
representative of the Estate of Marlene  
Staigmiller,

Plaintiff,

vs.

ETHICON, INC., et al.,

Defendants.

CV 20-119-M-DWM

ORDER

The parties having filed a stipulation for dismissal of certain claims,  
IT IS ORDERED that the stipulation (Doc. 34) is ADOPTED. Only the  
following claims remain pending in the case:

Count I: Negligent Design Defect;

Count V: Strict Liability – Design Defect;

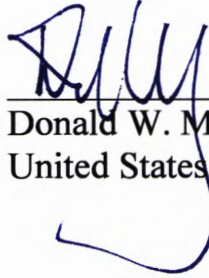
Count XIV: Gross Negligence – Design;

Count XVII: Punitive Damages; and

Count XVIII: Discovery Rule and Tolling.

IT IS FURTHER ORDERED that Defendants' motion for partial summary judgment (Docs. 39, 40, 2:14-cv-28539 (S.D.W.V)) is DENIED as MOOT.

DATED this 27<sup>th</sup> day of October, 2020.

A handwritten signature in blue ink, appearing to read "D. Molloy", is written over a horizontal line.

Donald W. Molloy, District Judge  
United States District Court